

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

HAROLD B. DAVIS)
)
v.) NO. 3-13-0238
) JUDGE CAMPBELL
WILSON COUNTY, TENNESSEE)

ORDER


Pending before the Court are Defendant's Motion to Dismiss (Docket No. 29), Plaintiff's Motion to Deny Defendant's Motion to Dismiss as Untimely (Docket No. 33), Plaintiff's Motion to Strike or Disregard EEOC Charge as Exhibit to Defendant's Motion to Dismiss (Docket No. 38), and Defendant's Motion for Extension of Time (Docket No. 43).

Defendant's Motion for Extension of Time (Docket No. 43) is GRANTED, and Plaintiff's Motion to Deny Defendant's Motion to Dismiss as Untimely (Docket No. 33) is, in the Court's discretion, DENIED. Plaintiff has failed to show sufficient prejudice to deny Defendant's Motion for Extension of Time and allow Defendant's Motion to Dismiss to be considered timely filed.

Plaintiff's Motion to Strike or Disregard (Docket No. 38) is GRANTED. The Court shall not consider matters outside the pleadings, particularly where those matters are factually disputed.

Plaintiff shall respond to Defendant's Motion to Dismiss Plaintiff's Amended Complaint by August 16, 2013. Defendant may file any Reply by August 30, 2013.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE